Appl. No. 10/691,941
Amdt. dated October 16, 2008
Reply to Office Action of July 24, 2008

PATENT

REMARKS/ARGUMENTS

Claims 1-7, 12-17 and 44-56 are pending in the application. In this Amendment, claims 1-3, 13, 44, and 52 have been amended, no claims have been canceled, and no new claims are presented. Applicants respectfully request reconsideration of the rejections.

I.   SUMMARY OF EXAMINER INTERVIEW

On October 14, 2008 an examiner interview was conducted by telephone between the undersigned and the Examiner. Claims 1, 2, 13, and 52 were discussed.

Regarding the 35 U.S.C. § 102(e) rejection of claim 1 (Office Action § 4, first bullet point), the Examiner stated that there is clearly nothing in the cited text of Krishnaswamy (column 31 lines 36-38) that discloses "storage configured to store generated allocation rules and to store transaction data associated with a plurality of transactions, each generated allocation rule being associated with at least one of the plurality of business objects and being generated using relationships between members of the plurality of business objects" (claim 1), and that Krishnaswamy is probably not the most accurate prior art. The Examiner maintained that the text of the second bullet point could be read broadly to encompass the cited text of the second bullet point.

Regarding the § 102 rejection of claim 2 (Office Action § 5), the Examiner agreed that nothing in the cited text of Krishnaswamy (column 34 lines 47-53) mentions "commission allocation" as required in the claim.

Regarding the § 102 rejections of claims 13 and 52 (Office Action § 11), the Examiner agreed that nothing in the cited text of Krishnaswamy (column 34 lines 38-46) discusses a "hierarchical data structure" as required in the claims.

Applicants thank the Examiner for the interview.

Appl. No. 10/691,941
Amdt. dated October 16, 2008
Reply to Office Action of July 24, 2008

PATENT

II.   PRINTING ERROR IN PUBLISHED APPLICATION (US 2007/0179873)

Applicants wish to call attention to an apparent printing error in the published version of this application that was not in the application as filed by Applicants. In paragraph [0005] of the published application (US 2007/0179873), which corresponds to paragraph [0003] of the application as filed, the word "commissions" is misspelled "conmissions" (emphasis added). Again, this error was not in the application as filed. Please ensure that any patent which issues contains the correct spelling of "commissions."

Because calling attention to a printing error is technically not an amendment to a specification, Applicants believe that submitting a substitute paragraph with underlines/strike-throughs is not required under 37 C.F.R. § 1.121(b), or even practical in this case because there is nothing to correct (*i.e.,* underline or strike-through) in the application as filed.

III.   TECHNICAL AMENDMENTS TO SPECIFICATION

A few paragraphs of the specification have been amended to correct obviously incorrect reference identifiers and a minor grammatical error. No new matter has been added hereby.

IV.   TECHNICAL AMENDMENTS TO CLAIMS

Claims 2 and 3 have been amended to ensure proper antecedent bases. These amendments are not to be construed as narrowing or limiting. No new matter is added hereby.

V.   REJECTIONS OF CLAIMS

In the Office Action, all pending claims (claims 1-7, 12-17 and 44-56) were rejected under 35 U.S.C. § 102(e) as being anticipated by Krishnaswamy et al. (US 6,909,708) ("Krishnaswamy"). Applicants respectfully disagree.

The Office Action states that Krishnaswamy col. 31, lines 36-38, disclose "storage configured to store generated allocation rules and to store transaction data associated with a plurality of transactions, each generated allocation rule being associated with a least one

of the plurality of business objects and being generated using relationships between members of the plurality of business objects," as required by claim 1 and similarly required by the other three independent claims (claims 12, 44 and 51). However, the Examiner now agrees per the telephone interview (see above) that there is clearly nothing in the cited text of Krishnaswamy that discloses the above limitation. Furthermore, Applicants have searched the 332 pages of Krishnaswamy and found no disclosure, teaching, or suggestion of "generated allocation rules . . . each [ ] being associated with at least one of the plurality of business objects and being generated using relationships between members of the plurality of business objects" (claim 1). Thus, Krishnaswamy does not anticipate any of the independent claims.

The Office Action also states that Krishnaswamy col. 44, lines 50-57, disclose "an allocation manager configured to make one or more attempts to allocate a member of the plurality of transactions among the plurality of business objects." However, the cited text refers to allocating resources, not transactions. Resources include logical resources such as a service engine or a speech recognition algorithm or physical resources such as a CPU, memory, or switch ports (Krishnaswamy col. 44, lines 27-33), and not transactions such as product sales. Furthermore, Applicants have searched Krishnaswamy and found no disclosure, teaching, or suggestion of "an allocation manager configured to make one or more attempts to allocate a member of the plurality of transactions among the plurality of business objects" (claim 1). Thus, Krishnaswamy does not disclose every limitation in the claims.

Claims 1 and 44 have been amended to recite "wherein each generated allocation rule determines if a business object is entitled to an allocation from a particular transaction." Support for this is in the specification, for example in paragraph [0041]. Krishnaswamy does not teach or suggest whether a business object, such as a salesman, is entitled to an allocation, such as a commission. Rather, Krishnaswamy is directed to a networking system which supports videoconferencing, document sharing, etc. In Krishnaswamy, logical and physical resources, such as speech recognition software or CPUs, are allocated based on availability, speed, and similar factors. Allocations in Krishnaswamy are not based on whether a user is entitled or otherwise legally obligated to an allocation. Thus, Krishnaswamy does not anticipate "wherein

each generated allocation rule determines if a business object is entitled to an allocation from a particular transaction."

For the reasons above, Applicants respectfully request withdrawal of the § 102 rejections of the independent claims and all claims depending thereon.

The Office Action states that Krishnaswamy col. 34, lines 47-53, disclose that "the query is configured to determine commission allocation" (claim 2) and "the query step includes determining commission allocation" (claim 45). However, as the Examiner agreed in the interview, the cited text fails to disclose a "query [engine that] is configured to determine commission allocation." Furthermore, Krishnaswamy in full fails to disclose, teach, or suggest a query which determines commission allocations. In its 332 pages, Krishnaswamy only briefly mentions commissions, stating at a high level that "[c]ommissions are supported according to current MCI procedures;" however, there is no mention of using a "query engine" in conjunction with "determining commission allocation" among business objects, such as salesmen. Thus, Krishnaswamy does not disclose, teach, or suggest a "query [engine that] is configured to determine commission allocation" as recited in the claims.

The Office Action states that Krishnaswamy col. 53, lines 41-45, disclose that "a member of the plurality of transactions is a purchase" (claims 3 and 46). However, the cited text, and Krishnaswamy in full, fails to disclose, teach, or suggest that "a member of the plurality of transactions [which an allocation manager attempts to allocate among business objects] is a purchase." Krishnaswamy is simply not directed to determining purchases which are allocated to business objects, such as salesmen. Thus, Krishnaswamy does not disclose, teach, or suggest that "a member of the plurality of transactions is a purchase."

The Office Action also states that Krishnaswamy col. 34, lines 38-46, disclose that a hierarchical data structure is configured to represent relationships between business objects in an organization (previous claims 13 and 52). However, Applicants assert, and the Examiner agreed in the interview, that nothing in the cited text discloses a hierarchical data structure. Furthermore, Applicants have searched Krishnaswamy and found no disclosure, teaching, or suggestion that a "hierarchical data structure is configured to represent relationships between business objects in a sales organization" (emphasis added) as required by amended claims 13 and

Appl. No. 10/691,941
Amdt. dated October 16, 2008
Reply to Office Action of July 24, 2008

PATENT

52. Thus, Applicants respectfully request withdrawal of the rejections for at least the reasons above.
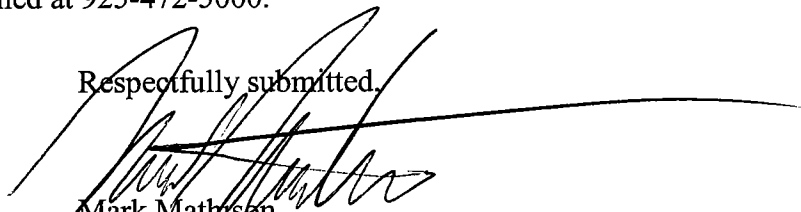
Krishnaswamy does not disclose, teach, or suggest the various elements and limitations in even the broadest claims of this Application. Therefore, Krishnaswamy, the only cited reference in the Office Action and the only reference upon which the § 102 rejections were based, does not anticipate the claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

Mark Mathison
Reg. No. 57,556

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300

MPM:sea
61576684 v1